

AN ACT

relating to regulations for taking marl, sand, gravel, shell, or mudshell.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 86.003, Parks and Wildlife Code, is amended by adding Subsection (c) to read as follows:

(c) The commission shall prescribe a single application form for an individual or general permit. The form must require individual and general permit applicants to provide the same information, including information regarding:

(1) the publication of notice in:

(A) the daily or weekly newspaper with the greatest circulation in the county or counties affected by the issuance of the permit for three consecutive days, if daily; and

(B) one newspaper published for the community closest to the proposed area of disturbance, if any;

(2) proof that notice was sent by certified mail to alongshore property owners of property one river mile above and below the proposed area of disturbance described in the permit;

(3) a sedimentation impact assessment approved by the department; and

(4) any amendments to the permit, if the application is for the renewal of a permit.

SECTION 2. Section 86.006, Parks and Wildlife Code, is

1 amended by adding Subsection (d) to read as follows:

2 (d) A general permit issued under this chapter has a maximum  
3 term length of one year.

4 SECTION 3. Chapter 86, Parks and Wildlife Code, is amended  
5 by adding Section 86.0105 to read as follows:

6 Sec. 86.0105. REMOVAL REPORT. A person holding a permit  
7 issued under this chapter shall deliver to the department a report  
8 stating how much marl, sand, gravel, shell, or mudshell was removed  
9 during the term of the permit. The commission shall adopt rules  
10 regarding the delivery and format of the report.

11 SECTION 4. Section 86.021, Parks and Wildlife Code, is  
12 amended by adding Subsection (b-1) to read as follows:

13 (b-1) In this subsection, "unconsolidated sedimentary  
14 material" means loose gravel, sand, or other sedimentary material  
15 that has been transported by the flow of the watercourse. The term  
16 does not include solid bedrock or earthen banks. A project results  
17 in an insignificant taking or disturbance of marl, sand, gravel,  
18 shell, or mudshell for purposes of Subsection (b)(1) if:

19 (1) the project is noncommercial;

20 (2) the project takes or disturbs less than 125 cubic  
21 yards of dry unconsolidated sedimentary material within a 12-month  
22 period;

23 (3) the project occurs within an on-channel  
24 impoundment created by a dam originally constructed on or before  
25 December 31, 1955, and the dam crest has not been increased in  
26 height by more than six inches since initial construction; and

27 (4) the taking or disturbance of unconsolidated

1 sedimentary material does not occur outside of the impoundment in  
2 areas above dam crest elevation.

3       SECTION 5. (a) Section 86.003(c), Parks and Wildlife Code,  
4 as added by this Act, applies only to a permit application for the  
5 taking of marl, sand, gravel, shell, or mudshell that is filed with  
6 the Parks and Wildlife Department on or after the effective date of  
7 this Act. A permit application for the taking of marl, sand,  
8 gravel, shell, or mudshell filed before the effective date of this  
9 Act is governed by the law in effect when the permit application was  
10 filed, and the former law is continued in effect for that purpose.

11       (b) Sections 86.006(d) and 86.0105, Parks and Wildlife  
12 Code, as added by this Act, apply only to a permit for the taking of  
13 marl, sand, gravel, shell, or mudshell issued on or after the  
14 effective date of this Act. A permit for the taking of marl, sand,  
15 gravel, shell, or mudshell issued before the effective date of this  
16 Act is governed by the law in effect when the permit was issued, and  
17 the former law is continued in effect for that purpose.

18       SECTION 6. This Act takes effect September 1, 2019.

H.B. No. 2805

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President of the Senate

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Speaker of the House

I certify that H.B. No. 2805 was passed by the House on April 26, 2019, by the following vote: Yeas 137, Nays 2, 2 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 2805 was passed by the Senate on May 22, 2019, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor